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Thursday, 21 January 1999, 10 a.m.

New York

President:	Mr. Amorim	(Brazil)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Canada	Mr. Fowler
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

Promoting peace and security: Humanitarian activities relevant to the Security Council

99-85033 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Promoting peace and security: Humanitarian activities relevant to the Security Council

The President (*interpretation from Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, regarding humanitarian activities relevant to the Security Council, in the context of promoting peace and security.

I invite Mr. Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to take a seat at the Council table and to make his statement.

Mr. Vieira de Mello (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator): On behalf of my colleagues in the humanitarian community, thank you, Mr. President, for giving me this opportunity to address the Council in an open meeting.

The aim of my remarks today is to put before the Council some of our concerns as they relate to the question of peace and security, and to suggest a number of issues that the Council may wish to take up in 1999. Let me start by touching on two aspects of the environment in which we work: the nature of modern warfare and the legal context that guides our action.

Contemporary armed conflict is seldom conducted on a clearly defined battlefield by conventional armies confronting each other. Today's warfare often takes place in cities and villages, with civilians as the preferred targets, the propagation of terror as the premeditated tactic and the physical elimination or mass displacement of certain categories of populations as the overarching strategy. The acts of warring parties in recent conflicts in the former Yugoslavia, Sierra Leone and Afghanistan bear testimony to this. Breaches of human rights and humanitarian law, including mutilation, rape, forced displacement, denial of the right to food and medicines, diversion of aid and attacks on medical personnel and hospitals are no longer inevitable by-products or collateral damages of war. They have become the means to achieve a strategic goal. As a result, even low-intensity conflicts generate enormous human suffering. Humanitarian needs are disproportionate, in fact, to the scale of military conflict. Meeting these needs has become more difficult as the dividing line between combatants and civilians has grown blurred.

Too often, humanitarian agencies are left alone in these desperate situations, and their efforts are taken for granted. Humanitarian action on its own may alleviate and at times appease through non-political dialogue, but it can never resolve conflicts that in essence have political or other origins. The willingness to commit resources — be they political or military — to resolving international crises has diminished since the early 1990s. As Edmund Burke said, the only requirement for evil to prevail is for good individuals to do nothing.

The only effective way to deal with many of these crises is for the Security Council to exercise its central and unique responsibility for the maintenance of peace and security, as foreseen in the Charter.

The second aspect of the environment in which we work is the legal framework for our activities. This year is the tenth anniversary of the Convention on the Rights of the Child and the thirtieth anniversary of the Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa, a very important regional instrument. It is also the fiftieth anniversary of the Geneva Conventions and the one hundredth anniversary of the Hague Convention. 1999 is also a year of commemoration of the St. Petersburg Declaration, one of the first instruments in terms of international humanitarian law. Combined with other instruments, such as the Genocide Convention, today we have a greater body of international law regulating the

behaviour of parties in conflict and aimed at protecting civilian populations, before or after they become victims, than was ever before the case. This is a major achievement of humankind.

However, in most contemporary conflicts, international humanitarian law, human rights law and refugee law are unknown, ignored or wilfully disrespected. The gulf between existing international norms and respect for them on the ground has probably never been so wide. Our greatest challenge is to bridge this gap through the realization of international laws and fundamental principles in practice. While the primary obligation to abide by international humanitarian law and human rights rests with Member States and parties to conflicts, which have often committed themselves on paper, the Council is still charged with ensuring respect, as part of its international responsibility to maintain peace and security.

Almost every abuse of a civilian population or attack on humanitarian personnel represents a breach of international legislation and principles. The 1998 Statute of the International Criminal Court (ICC) elaborates further on previous international instruments in defining the crimes of genocide, crimes against humanity and war crimes under the jurisdiction of the Court. The elaboration of the Statute of the International Criminal Court is a major development in this respect. The process of ratification of the ICC Statute and the setting up of the Court need to be accelerated. The action of members of this Council will be crucial in setting an example to other Member States. By establishing the two ad hoc Tribunals, for the former Yugoslavia and Rwanda, the Council has in fact recognized its responsibility for dealing with the question of impunity and its link to sustainable peace and security.

Most importantly, the Security Council has for some time recognized that massive violations of humanitarian law can constitute a threat to peace and security. To cite only a few, resolutions 688 (1991) of 5 April 1991, establishing the security zone in northern Iraq; resolution 941 (1994) of 23 September 1994, on "ethnic cleansing" in Bosnia; and resolution 955 (1994) of 8 November 1994, calling upon States to cooperate with the International Tribunal for Rwanda, all are based on this understanding.

Alongside international humanitarian law, the importance of respect for human rights is more and more frequently recognized. Secretary-General Kofi Annan in his 13 April 1998 report on Africa highlighted the all-important link between upholding human rights and preventing humanitarian disasters. While international law defines the moral and legal imperatives for action, the law is ineffective if it is not translated into pragmatic action. A major accomplishment in recent years is the recognition that human, civil, political and social and economic rights are not simply a matter of principle or politics, but from a strictly pragmatic point of view constitute an essential building block for peace and security of and among nations. The Secretary-General, in his reform programme of 1997, notes that

> "Human rights are integral to the promotion of peace and security" *(A/51/950, para. 78)*.

The 1989 Convention on the Rights of the Child is the only Convention which incorporates articles of human rights as well as international humanitarian and refugee law. Article 38 directly calls on States to respect international humanitarian law and also establishes the minimum age for conscription at 15, a provision which is being regularly flouted in today's conflicts. I strongly support the move by the United Nations Children's Fund (UNICEF) and others to increase the minimum age to 18 and to introduce an age requirement for United Nations peacekeepers and international civilian police as well. The Council may wish to examine the fate of children caught up in armed conflict, and effective ways of protecting them, on a future occasion, as it did, I know, last year.

I have elaborated on the two main elements that characterize the environment in which we currently operate: the changed nature of conflict and the pervasive disregard for international norms by parties to a conflict. I would now like to make some further specific suggestions on ways in which the Council could consider assisting humanitarian agencies in these very difficult circumstances.

Humanitarian action cannot succeed without unimpeded access to those in need. Government and opposition leaders in countries affected by conflict must understand that they do not confer recognition on their opponents simply by allowing civilians living in areas which they do not control to receive help. On the contrary, it is an obligation under international law of all legitimate authorities to ensure that all those in need receive assistance. This is the fundamental principle of the responsibility of States towards their citizens. I was pleased that this was immediately recognized by both sides to the conflict in Guinea-Bissau. We need the Council's help to get the message across in Angola, as

we discussed yesterday, and Sierra Leone, where hundreds of thousands are in immediate need.

General Assembly resolution 46/182 of 1991 — the resolution which also established my functions — spells out that humanitarian aid should be undertaken with the consent of the sovereign State. The same resolution also reiterates the responsibility of States to take care of victims of emergencies occurring within their territories. International law spells out the right of victims of armed conflict to humanitarian assistance and protection. If States are for any reason unable to fulfil this obligation, they have another, which is to facilitate the provision of international humanitarian aid. In reaffirming the rights of victims, humanitarian organizations must also accept their obligation to uphold the non-political nature of humanitarian action and the highest standards of impartiality.

We need the Council, as I have stated in the past, to strongly reaffirm these principles, both in a generic and country-specific manner.

The caution regarding international engagement evident after the Somalia experience has led to more reluctance in the deployment of United Nations peacekeeping operations. I do not wish here to get into the arguments for or against the deployment of individual peacekeeping missions, which is clearly beyond my competence, but would like to highlight a number of points which have a bearing on humanitarian action.

The contribution peacekeeping forces and international police can and do make to averting and containing humanitarian crises is too often overlooked. There are many positive examples of collaboration between peacekeepers and humanitarian agencies, which I know from experience, such as Cyprus, Lebanon, Cambodia, Mozambique, the former Yugoslavia and Central America. Even where humanitarian objectives were not part of their primary mandates, peacekeeping operations have proved valuable, often vital, in supporting and protecting needy populations, humanitarian workers and supplies in environments where there was limited consent from the warring parties or when the security situation is simply beyond their control.

Peacekeepers can also play a valuable role in helping to prevent the diversion or abuse of aid for political or military purposes. The non-combat military resources available to peacekeepers have also proved crucial in dealing with humanitarian emergencies, for instance in the Great Lakes and in Bosnia. I am thinking in particular of their airlift, manpower and engineering capacities.

When mass murderers or other criminals hide in refugee camps, as in Eastern Zaire in 1994, the primary responsibility lies with the host Government and its security forces. But peacekeepers can play a key role in strengthening national forces to allow for the separation of combatants from the victims. As members are aware, the Office of the United Nations High Commissioner for Refugees (UNHCR) is now actively working with the Department of Peacekeeping Operations to draw up options for an international mechanism to assist Governments in maintaining security and a humanitarian environment in camps and settlements. The Council's continued support to this effort will be essential.

Another non-traditional area the Council may wish to look at relates to the use of the media to prepare and foster conflict. The most powerful weapons in the hands of modern mass killers, or *génocidaires*, are radio stations and other mass media. The genocide in Rwanda and the "ethnic cleansing" in Bosnia were instigated by criminal politicians using lies and distortions to persuade ordinary people to murder their neighbours. In both cases nationalistic or ethnocentric hate campaigns propagated through the mass media prepared the way for genocide. United Nations-supported radio stations can help to counter such propaganda.

In the atmosphere created by such propaganda, peacekeepers and humanitarian workers face a virtually impossible task. The Council could examine the feasibility of replicating, in other places, the measures taken by the United Nations Protection Force (UNPROFOR) first and then by the High Representative in Bosnia to curb the abuse of the media there. In a climate of ethnic intolerance and total disrespect for international law, UNPROFOR earlier and the High Representative later ensured that fair, objective, tolerant radio and television as well as newspapers received adequate international support, while broadcasting licences for other stations were withdrawn, and the Stabilization Force (SFOR) took control of transmitters when necessary.

A further mechanism at the disposal of the Council to encourage the upholding of international law, combat impunity and help avert or reduce humanitarian crises is the judicious use of sanctions. There is increasing recognition that well-targeted or "smart" sanctions can have a real impact without necessarily leading to the kind

of humanitarian consequences which we have seen with some recent sanctions regimes.

If sanctions can be used to prevent war criminals from enjoying the fruits of their evil, without harming innocent women and children, we have given ourselves a potent new tool for good. The ideas contained in the Secretary-General's report on Africa of using individual targeted sanctions against the perpetrators of abuses of human rights and humanitarian law, and holding them financially responsible to their victims, deserve to be implemented with the broadest possible support.

I should like to make one final point before I conclude. Given the environment I described in my initial remarks, assisting affected populations in war zones has become more and more dangerous. In the past six years, 153 United Nations personnel have lost their lives while on duty. The recent shooting down of two United Nations aircraft in Angola has brought this issue home to us even more starkly. What can we do?

I welcome the fact that the Convention on the Safety of United Nations and Associated Personnel of 1994 finally entered into force last week, on 15 January. The Convention relates to personnel serving in operations specifically authorized by the General Assembly or the Security Council and is therefore binding only on States parties. It thus does not apply to most of the situations in which humanitarian personnel work. Ways of extending the Convention to cover all situations in which United Nations and associated personnel, including national staff, are deployed, and of ensuring its implementation by non-State actors, need to be further explored. Humanitarian operations see a high turnover of staff, and security training is therefore essential. A Trust Fund for Security has been established; so far, only three States have contributed, while one other has pledged. That is an extraordinarily disappointing response. Conversely, the inclusion of attacks against humanitarian personnel as a crime falling within the jurisdiction of the ICC is a very positive development.

Humanitarian workers appear to be seen as expendable. Many times they are deployed where Governments consider it too risky to deploy better-trained, better-equipped and better-protected peacekeepers. The casualty rates among humanitarian workers are simply atrocious. Last year, the World Food Programme suffered particularly severe losses, but so did other United Nations agencies, the Red Cross Movement as a whole and non-governmental organizations. Well over 90 per cent of the deaths of humanitarian workers were not even adequately investigated by the authorities concerned. The killing will continue either until humanitarian agencies refuse to go where their security cannot be guaranteed or until Governments with influence give the security of humanitarian personnel the importance it merits. In this context, I would like to reiterate our appreciation for the action undertaken by the Government of the Russian Federation to ensure the liberation of Vincent Cochetel, a UNHCR colleague held hostage in the Caucasus for over six months.

In conclusion, the anniversaries being commemorated in 1999 are generating considerable interest in international humanitarian law and in the ways in which the international community prevents or responds to the outbreak of war — with humanitarian aid, by facilitating political negotiations, with military deployment or by promoting forms of governance and development as factors of stability and peace.

One theme which is uppermost in the public's mind worldwide is at the core of all the issues I have briefly raised with the Council today: the treatment of civilians in armed conflicts. Humanitarian organizations would welcome any move by the Council to examine practical ways in which we can ensure a greater level of protection for civilians in armed conflict, which we believe is of direct relevance to the Council's core responsibilities. This is an urgent task. We can celebrate the last year of the millennium by helping translate international laws and principles into reality, and elementary moral standards, as well as the universal concern for humanity, into action.

I should like to finish by paraphrasing Václav Havel and to say that we must not be afraid of dreaming the seemingly impossible if we want the impossible to become a reality.

The President (*interpretation from Spanish*): I should like to thank Mr. Vieira de Mello for his inspiring and detailed briefing. I am sure that his statement contained many ideas that will be the subject of reflection and comment. I believe it would also be useful for the members of the Council to receive the notes that Mr. Vieira de Mello had prepared, because I believe that we must think deeply about this matter, beyond what is said today.

Mr. Burleigh (United States of America): I would like to thank you, Mr. President, for organizing this open briefing on this important subject, and I would like to begin by commending Under-Secretary-General Vieira de Mello for his comprehensive, informative and sober briefing on the problems.

Most of the conflicts we are witnessing today in various parts of the world involve internal struggles among rival factions. Sadly, many of these conflicts involve gross violations of human rights, resulting in complex humanitarian emergencies. Many conflicts are exacerbated by policies of ethnic expulsion, exclusion or annihilation.

Civilians, including women, children and the elderly, are increasingly becoming deliberate targets. Nine out of 10 casualties in these conflicts are non-combatants. International humanitarian personnel sent to provide assistance are no longer simply caught in the cross-fire; all too often, they are targeted by participants in the fighting.

During the Security Council's discussion of post-conflict peace-building on 29 December 1998, Council President Buallay affirmed the Security Council's belief that the quest for peace in Africa required

> "a comprehensive, concerted and determined approach, encompassing the eradication of poverty, the promotion of democracy, sustainable development and respect for human rights, as well as conflict prevention and resolution, including peacekeeping, and humanitarian assistance." (*S/PV.3961, p. 2*)

That comprehensive, coordinated approach should not be limited to conflicts in Africa. The Council cannot ignore the linkages inherent in today's complex humanitarian emergencies. The Council should be kept regularly informed of the humanitarian aspects of potential or actual conflicts so that it has a comprehensive picture of the problem and can determine the proper steps to take.

The Council should review ways to strengthen the linkage between humanitarian action and the early commencement of post-conflict integration, rehabilitation and peace-building. In addition, the Council should lend support to initiatives aimed at strengthening local and national capacities for confronting humanitarian and human rights crises.

Under-Secretary-General Vieira de Mello spoke today of the need to coordinate humanitarian action with peace and security concerns. We agree that such coordination efforts should be focused on ensuring humanitarian access to populations in need, guaranteeing the safety and security of international humanitarian personnel and improving the transition from international peacekeeping to international peace-building.

In terms of ensuring humanitarian access to populations suffering the impact of ongoing conflicts, it is our view that the Security Council may wish to consider developing a range of options to maintain law and order and to create a secure environment for civilians, including humanitarian workers, endangered by conflict.

With regard to the protection of international aid workers, the United States welcomes the entry in effect last week of the 1994 Convention on the Safety of United Nations and Associated Personnel. The United States is pursuing ratification of that Convention, and we remain interested in exploring an optional protocol to the Convention to broaden its coverage to non-United Nations humanitarian workers.

Where violations of international humanitarian law and human rights pose a threat to international peace and security, the Security Council should consider addressing those situations with due regard to the roles and responsibilities of other organizations of the United Nations system.

The United States believes the Security Council should review ways to ensure a smooth transition from international peacekeeping to post-conflict peace-building. We believe it would be desirable for the Secretary-General to make recommendations to appropriate United Nations agencies to assist in peace-building efforts as peacekeeping operations are drawn down. We stress the importance of a division of labour between peacekeeping activities and longer-term peace-building programmes. There is a need for closer cooperation and dialogue between the Security Council and various bodies within the United Nations system responsible for those programmes.

It is critical that mechanisms exist on the ground to provide for effective coordination between political and military components of United Nations operations, as well as with human rights and humanitarian components. The United States welcomes the establishment by the Secretary-General of the Executive Committee on Peace and Security and the Executive Committee on Humanitarian Affairs to better define the relationship

between the Special Representatives of the Secretary-General, humanitarian coordinators and other components of United Nations missions. The United States also would like to reiterate its support for the work of the Emergency Relief Coordinator and the members of the United Nations Inter-Agency Standing Committee.

We support more frequent Council briefings by Under-Secretary-General Vieira de Mello and other members of the United Nations Office for the Coordination of Humanitarian Affairs. The Council must consider humanitarian and human rights needs as part of an overall strategy to restore peace and security to an area in crisis.

Before concluding, I would like to thank Under-Secretary-General Vieira de Mello once again for his briefing and raise one specific issue which I hope he might address prior to the conclusion of today's meeting. Given the ongoing conflict in the Democratic Republic of the Congo, which has had such a widespread negative impact upon the civilian population in the country, we would welcome Mr. Vieira de Mello's comments and observations concerning the humanitarian situation in the Democratic Republic and the possible role which the Office for the Coordination of Humanitarian Affairs might play there.

Mr. Qin Huasun (China) (*interpretation from Chinese*): We would like to thank you, Sir, for convening today's meeting. We also wish to thank Mr. Vieira de Mello, Under-Secretary-General for Humanitarian Affairs, for his briefing on humanitarian activities relevant to the Security Council. We appreciate the positive efforts of the Office for the Coordination of Humanitarian Affairs, under Mr. Vieira de Mello's leadership, to alleviate humanitarian crises throughout the world.

We note that, although there is no shortage of international conventions on humanitarian questions and that tremendous efforts have been made by all concerned, the humanitarian situation remains grim and problems abound. We are deeply concerned by the frequent threats to the safety of humanitarian workers and appeal to all concerned effectively to guarantee their security and freedom of movement so as to ensure the smooth conduct of humanitarian activities.

At the same time, we have always held that the solution of humanitarian problems must include palliative measures and the elimination of the root causes of the problems. When the international community provides humanitarian assistance to a region, it must delve deeper into the situation, seeking the root causes of local conflicts and humanitarian crises. We must strive to eliminate these causes by encouraging national reconciliation, enhancing mutual confidence, promoting economic development and maintaining national stability.

Sanctions have a direct impact on the humanitarian situation in the countries concerned. The Security Council has imposed sanctions against Iraq for more than eight years now, visiting great suffering on the Iraqi people and deeply hurting the neighbouring countries. China is opposed in principle to the use of sanctions as a means of settling international disputes. When they do become necessary, we favour the setting of schedules and the limitation of the sanctions' scope so as to avoid the further deterioration of the humanitarian situation in the countries concerned. We believe that the Security Council should seriously study the humanitarian impact of sanctions, fully taking into account the potential serious consequences of any such actions in the future.

As a result of prolonged warfare and natural disasters, many African countries face a very grim humanitarian situation, with large numbers of refugees going without food and clothing, being displaced and lacking medical care. However, as a result of internal and external factors, their plight has not fundamentally improved. As the international community has paid great attention to the humanitarian situation in the former Yugoslavia and has provided much assistance there, it is all the more unconscionable for us to forget the hundreds of thousands of our African brothers and sisters who also require the international community's special care. We hope that no double standards will be applied in the humanitarian sphere.

We believe that the international community should pay appropriate attention to humanitarian affairs. However, in international relations, there is a tendency to politicize humanitarian questions and to use them as a pretext to interfere in the internal affairs of sovereign countries. This can only arouse great concern. Without regard to the specific causes of humanitarian crises, frequent recourse to the threat or use of force will not help to solve the problems, but will serve merely to further complicate efforts to solve them. We hope that the countries and organizations concerned in this respect will strictly adhere to the provisions of international law and the United Nations Charter and scrupulously respect the sovereignty, territorial integrity and political independence of all countries.

The Chinese Government has always attached great importance to the work being done in the humanitarian field and has made its own positive efforts through bilateral and multilateral channels. We are ready, along with other members of the international community, to continue to make our own efforts to alleviate the international humanitarian situation. China supports the work of the Office for the Coordination of Humanitarian Affairs and other United Nations bodies and will continue to play a leading role in this area.

Mr. Petrella (Argentina) (*interpretation from Spanish*): Allow me to congratulate you wholeheartedly, Sir, on the very professional and effective manner in which you are presiding over the work of the Security Council in this extremely busy month of January. I should also like to extend these sentiments to Ambassador Jassim Buallay of Bahrain on his brilliant work in December.

I also believe that it is only fair to highlight your efforts, Sir, to convene this public meeting and to ensure a thorough consideration of the importance of humanitarian activities relevant to the Security Council. The dramatic contribution just made by Under-Secretary-General Vieira de Mello is extremely important because it stresses these serious problems precisely and forcefully. I also believe that the contributions made by China and the United States are very useful and timely.

In our view, it is relevant for a number of reasons that this Council actively address these issues.

First, the concept of peace and security, as laid down in the Charter, is based today on broader and more qualitative issues than it was in 1945. Today, it is recognized that, in order to prevent local conflicts from spreading and acquiring international dimensions, it is necessary to take effective measures, keeping in mind the close interrelationship between justice, social well-being and peace.

Secondly, a good number of the items on the agenda are related to intra-State conflicts, which on the one hand unleash uncontrollable flows of refugees, and on the other lead to gross violations of the laws governing armed conflicts, and all of this has a great impact on the civilian population. Such crises develop quickly, when United Nations bodies with political responsibilities do not, or cannot, adopt the necessary measures to prevent them or control them.

Thirdly, it is not possible seriously to negotiate a political architecture that will put an end to conflicts without previously resolving or marshalling humanitarian problems. Therefore, attention to the humanitarian problem is essential, not just ancillary, in order to achieve a solution. Hence, the idea of including humanitarian units in peacekeeping operations is of great interest and must have broad-based support.

Fourthly, the Secretary-General, in the report he submitted last year on the work of the Organization, pointed out that the Security Council should take up those economic and social factors that have an impact on peace and security with the same energy and seriousness with which it deals with political issues, if it truly aspires to ensure that prevention of conflicts is the rule rather than the exception.

In the last few days, the Council has considered several items in its regular agenda where all these elements appear quite clearly. Also, a few days ago, we saw two aircraft chartered by the United Nations shot down, with a most regrettable loss of the lives of staff serving the United Nations.

When tragedy of this kind strikes, the lack of an appropriate response, paralysis or powerlessness not only mean a deplorable lack of consideration towards the victims and their families but also encourage the continuation of such criminal acts under our very eyes.

The individuals who are trying to implement the mandates of this Council in the most dangerous places must know that impunity will not be accepted, and that the required investigations and taking of responsibility will be encouraged with all necessary pressure, without, however, undermining the principle of non-intervention.

To think about strengthening the presence of United Nations personnel in places of conflict without at the same time providing them the utmost guarantees of security and protection is simply inconceivable.

We welcome the fact that the Convention on the Safety of United Nations and Associated Personnel came into force two days ago. We congratulate New Zealand for having made it possible for this most important event to take place. But the entry into force of the Convention does not relieve us of our responsibilities.

The trend to pursue policies of disengagement, to look upon humanitarian tragedies that stem from armed conflicts without trying to assume our responsibilities under the Charter in any visible way, adversely affects mainly those countries that are Members of the United Nations.

In such issues, we must practise a zero-tolerance policy. Hence, it is regrettable to note that in recent months we have seen renewed erosion of respect for humanitarian principles.

International humanitarian law enshrines the norm that needy civilians, and in particular women and children, have the right to receive humanitarian assistance. Yet humanitarian organizations are denied the possibility to deliver assistance to those who need it, and, as Mr. Vieira de Mello stated, deliberate attacks are launched against civilian populations. Acts of violence have been committed against people working for humanitarian assistance organizations whenever armed groups wrongly believe that such assistance is a threat to their political objectives. As also stressed by Mr. Vieira de Mello, statistics show that more civilian staff have lost their lives than United Nations military staff.

Let us also bear in mind that most of the conflicts considered by the Council occur in a context of poverty, backwardness and hopelessness. Therefore, it will be very difficult to resolve them without a global approach and without the kind of resources that very few countries of the world have available to them today. As stated by the Secretary-General, "a bridge must be constructed between, in effect, the Dow Jones index and the human development index". *(A/53/1, para. 15)*

Finally, nothing could be more relevant than the words of the Secretary-General contained in an article that appeared on page A19 of *The New York Times* on 19 January 1999:

> "the peace we seek ... is one that reflects the lessons of our terrible century: that peace is not true or lasting if bought at any cost ... without democracy, tolerance and human rights for all, no peace is truly safe."

The President (*interpretation from Spanish*): I thank the representative of Argentina for his kind words addressed to me.

Mr. Buallay (Bahrain) (*interpretation from Arabic*): Allow me first to thank you sincerely, Mr. President, for convening this open, formal meeting, which falls under the heading of efforts to improve transparency in the Security Council. I truly appreciate your efforts in this regard.

Promoting peace and security and their relationship with humanitarian affairs is of the greatest importance for both the Security Council and the membership of the United Nations at large. Humanitarian assistance is an integral part of activities organized during or after conflicts and involves several tragic elements, to say the least. These were pointed out very clearly by Mr. Vieira de Mello, and I would like to thank him for his briefing.

The Security Council convened a meeting last November under the presidency of Ambassador Burleigh to debate a similar subject. At that meeting, dealing with the protection of humanitarian workers, we received a briefing by Mrs. Ogata. Mr. Vieira de Mello reiterated the importance of that subject today.

Humanitarian assistance cannot reach those in need unless we ensure the safety of the workers who provide it. With the increasing complexity of conflicts, there is an increasing need to protect humanitarian workers. We have very disturbing statistics in this regard. Since 1992, 139 United Nations civilian personnel have been killed and about 143 taken hostage. The Red Cross alone lost 23 staff members in the Great Lakes region in 1996 and 1997. I am not even taking up today the aircraft downed in Angola. Many have lost their lives, and the numbers increase with the passage of time. There is therefore a need to think seriously about how to protect humanitarian workers.

We have a contradiction: on the one hand, the numbers of conflicts and victims are increasing; on the other hand, no steps are being taken to protect humanitarian workers. Mr. Vieira de Mello spoke of the signing of a convention in the middle of this month. We share his feelings of concern over the fact that only a few States have so far become signatories. However, intentions are one thing and facts another. Protection is required on the ground, where the conflict and fighting take place and where bodies are being mutilated and where much assistance — whether medical or food assistance — is required and being provided.

My question to Mr. Vieira de Mello is therefore this: what are the concrete steps being considered and implemented by the Secretariat? We heard him say that when security for humanitarian workers cannot be obtained, the option is simply to leave the area of conflict, and we agree with him. But if they leave, how can the humanitarian assistance be provided? This is a very important question. My delegation considers that if humanitarian workers left an area of conflict, we would surely not blame them, because their safety was not being ensured. We can imagine such a case, but we truly hope that this will not take place.

Perhaps a second question I could put to Mr. Vieira de Mello is this: with the increasing number of conflicts, what are the new obstacles now preventing the provision of humanitarian assistance to those in need? Naturally, we fully realize that the first obstacle may be financial. In this same context, we would also ask what the current gap is between voluntary contributions, on the one hand, and the real needs, on the other?

The President (*interpretation from Spanish*): I thank the representative of Bahrain for his kind words addressed to me.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): I am grateful to Mr. Sergio Vieira de Mello for his very comprehensive briefing to us.

We would like to confirm our support for the humanitarian activities of the United Nations, including the work of the Office for the Coordination of Humanitarian Affairs. Russia provides political and practical support in this sphere and participates in many humanitarian operations coordinated by the United Nations in various countries.

We also believe that the Security Council is today being increasingly asked for active political support for the work of humanitarian organizations and that humanitarian work as a whole should not only be strengthened, but should also be protected by the authority of the Security Council. At the same time, however, we are not equating the functions of the Security Council with those of a humanitarian agency. Each of them has its own responsibilities. The Security Council is responsible for the maintenance of international peace and security, while humanitarian agencies have their own mandates and must deal with specific tasks that are different from the functions of peacekeeping contingents — although, in fact, the tasks are very closely related in practice.

Coordinating the work of humanitarian agencies and peacekeeping contingents is therefore essential. In doing so it is necessary to maintain functional separation. But, as I said, coordination is extremely important, primarily between the military/political components of peacekeeping operations and humanitarian operations. One of the methods of establishing such cooperation is, in fact, applied in practice and has to do with ensuring the actual separation of duties — distinguishing the duties of the special representatives of the Secretary-General from those of the humanitarian coordinators. When a peacekeeping operation has a humanitarian element — something that is happening with increasing frequency — the humanitarian tasks must be clearly defined in the mandates. Those tasks must be feasible and supported by the appropriate human and financial resources.

The broadening of consultations and cooperation between the Security Council and humanitarian agencies and organizations is playing a useful role in efforts to find the optimal means of coordination. Here I am thinking of the United Nations Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Children's Fund and other organizations. Moreover, we think it is important to develop this cooperation even at the stage of planning and preparing peacekeeping operations that will involve humanitarian tasks.

I will not revisit all of the aspects of humanitarian activities. Mr. Vieira de Mello and my colleagues who have spoken before me have shed sufficient light on all of these matters. I would just like to comment on a few additional points.

I would like to highlight the task of curbing arms flows into conflict areas, because this relates directly to better enabling humanitarian agencies to do their work, *inter alia*, to help refugees. We should not take lightly any violations of arms embargoes imposed by the Security Council, because if an arms embargo is declared and then not respected, this simply exacerbates the confrontation between the warring parties and makes it more difficult to carry out humanitarian tasks — not to mention the fact that it also undermines the authority of the Security Council.

Much has been said here about the need to ensure the safety and security of United Nations personnel, including humanitarian personnel. We agree that this is

one of the most important tasks at this time. Of course, one of the most important means of resolving the problem of security is the deployment of military contingents to safeguard humanitarian deliveries. Nonetheless, as regards such provisions of assistance, the importance of basing humanitarian work on the principle of impartiality should not be forgotten. Humanitarian assistance cannot be used as an instrument for bringing political pressure to bear on any party to a conflict or for supporting just one side to the detriment of the other. This principle fully applies both to the activities of international humanitarian organizations and to the work of non-governmental organizations.

Perhaps I might give one example that illustrates clearly the situation. This is something the Security Council has already discussed during its consultations. It concerns the work of two non-governmental organizations in northern Iraq. They operate there not only without the consent of the Government of Iraq but also despite that Government's protests. These two non-governmental organizations in northern Iraq have no visas whatsoever; for all intents and purposes they have crossed the border illegally and established themselves in northern Iraq illegally. This directly undermines our efforts to uphold the sovereignty and territorial integrity of Iraq, a goal that the Security Council has mentioned on several occasions.

Incidentally, this is all happening in northern Iraq, where a so-called no-flight zone was unilaterally declared. The Security Council has never in any of its resolutions taken a decision regarding a no-flight zone, security zone or anything similar to that in the northern or southern part of Iraq. The attempt by certain parties, who invoke resolution 688 (1991), to unilaterally declare or create a no-flight zone is illegal, as can be confirmed simply by reading the resolution, which does not make the least mention of no-flight zones and was not even adopted under Chapter VII of the Charter of the United Nations.

My last comment concerns how to take up questions involving the use of force or coercion exclusively on the solid foundation of the Charter of the United Nations. We cannot fully exclude the possible effectiveness of coercion to ensure the security of humanitarian personnel and the delivery of humanitarian assistance. However, various concepts currently under discussion, such as humanitarian intervention, raise a number of questions of principle and a number of quite practical questions. We believe that the Charter of the United Nations establishes the functions and prerogatives of the Security Council, and these functions and prerogatives are sacrosanct, and any coercive operations require the authorization of the Council. This includes coercive operations relating to humanitarian assistance.

We are very concerned about the attempts that some are making to promote an approach by which the existence of a humanitarian crisis in any particular country would be in itself sufficient grounds for unilateral armed intervention without any decision by the Security Council whatsoever. This approach is absolutely unacceptable. It runs counter to all of the very foundations of the existing system of international relations and the Charter of the United Nations. Only the Security Council can determine whether a given situation, including one involving a humanitarian crisis, is a threat to peace and security, and only the Security Council can take a decision, if one is necessary, to authorize the use of force in accordance with the Charter of the United Nations.

Perhaps at some point international law will be different from what it is now and will rely on unilateral regional positions, but for now international law is enshrined in the Charter of the United Nations, by which all of us must be guided, *inter alia*, in making decisions about humanitarian-assistance questions. It is hardly possible to provide humanitarian assistance while violating the sovereignty and territorial integrity of States or, for the sake of humanitarian work, to violate the fundamental principles of international law as enshrined in the Charter of the United Nations.

In conclusion, I would like to ask Mr. Vieira de Mello to convey to all of his colleagues our appreciation for their efforts to carry out the humanitarian work of the Organization. We stress our personal appreciation for Under-Secretary-General Vieira de Mello's efforts to improve the coordination and effectiveness of the United Nations humanitarian programmes.

Mr. van Walsum (Netherlands): We, too, are grateful to Under-Secretary-General Vieira de Mello for his informative and stimulating briefing.

Having spent three weeks on the Security Council this time round, we are struck by the dominant role that humanitarian issues play on the Council's agenda. Almost every subject discussed in the Security Council has a clear humanitarian side to it. It is difficult to imagine a security issue that does not entail human suffering, either as a direct result of armed conflict or indirectly, for innocent civilians, refugees or displaced persons as a consequence of the use of violence.

In this connection, the Netherlands is particularly concerned about the growing number of attacks on humanitarian workers. This phenomenon is doubly unacceptable, because in addition to threatening the lives of the humanitarian workers concerned it also jeopardizes the whole concept of humanitarian assistance.

At this time the Security Council is discussing a situation where this is precisely what is likely to happen.

The nature of armed conflict has not fundamentally changed over the past decade. Indiscriminate use of violence, even the intentional targeting of innocent civilians, has characterized many conflicts since the end of the Second World War. What has changed, however, is the quantity. The number of intra-State low- and medium-intensity conflicts has increased substantially over the past 10 years. Another change concerns the impact on public opinion abroad. Modern communications technology facilitates the dissemination of images of indiscriminate violence to the public at large, which puts pressure on policy makers to do something.

What we have learned from the genocide in Rwanda is that humanitarian action cannot serve as a substitute for political action, but it is not easy to put this lesson into practice. Unfortunately, most of our Governments are better at providing humanitarian aid to victims of violence than at taking political action to prevent such violence from breaking out.

There is a growing awareness of the need for a more integrated approach to crises. A coherent set of diplomatic, political and military measures has to be complemented with measures related to economic, humanitarian and development aspects of conflict management. Some progress has been made in this respect, for example the establishment and mandate of the Office for the Coordination of Humanitarian Affairs (OCHA) as part of the United Nations reforms and the formulation of the Organization for Economic Cooperation and Development/ Development Assistance Committee (OECD/DAC) guidelines on conflict, peace and development cooperation of 1998.

But more needs to be done to bring about a truly integrated approach. Allow me to suggest six steps in that direction.

First, we should always aim for coherent and adequate decision-making in the Council. The question of the protection of humanitarian workers is a case in point. We cannot expect humanitarian organizations to provide aid without adequate political or military backing.

Secondly, we should try to enhance the performance of special representatives of the Secretary-General by facilitating more interface and coordination with special envoys of, for example, the European Union or the United States.

Thirdly, we should promote a coherent approach from all United Nations institutions to a given crisis, for example through the establishment of strategic frameworks.

Fourthly, we should devise more sophisticated sanctions, with minimum impact on the civilian population and maximum impact on warlords and their assets.

Fifthly, we should try to do the same with our military capability, that is, improve procedures to avoid collateral damage involving innocent civilians.

And sixthly, we should make better use of existing instruments of international humanitarian law. One example would be that the International Humanitarian Fact-finding Commission, pursuant to article 90 of the First Additional Protocol to the 1949 Geneva Convention, would be systematically called in whenever a breach of humanitarian principles is reported.

As the representative of the country that a century ago hosted the Hague Peace Conference, I should like to conclude by briefly commenting on the centennial of that event. This centennial, together with the fiftieth anniversary of the adoption of the Geneva Conventions at the end of the Decade of International Law, provides an excellent opportunity to reflect on the item we are discussing today. It is important in this respect to note also that the Hague Permanent Court of Arbitration will celebrate its one-hundredth birthday this year.

In this framework, the Netherlands and the Russian Federation will organize commemorative and seminar sessions in May and June in The Hague and St. Petersburg, respectively, in accordance with the relevant General Assembly resolutions. The Secretary-General of the United Nations will attend part of these events. The non-governmental organization community will also hold a major event in May in The Hague on the subject of peace as a human right.

It is important to address the deficiencies in several areas of the law, and a number of highly respected international lawyers are in the process of preparing reports which will serve as the basis for discussions in The Hague and St. Petersburg with a view to reporting and suggesting recommendations for progress in the new millennium to the fifty-fourth session of the General Assembly.

The Netherlands congratulates OCHA in general and Mr. Vieira de Mello in particular on the progress achieved so far. We will continue to support the important humanitarian work of this Office and look forward to close cooperation in future.

Mr. Fowler (Canada) *(interpretation from French)*: Mr. Vieira de Mello raised a number of important questions that the Security Council must consider. In this connection, we attach particular importance to continuing the practice of holding briefings and discussion meetings on humanitarian activities relevant to the Security Council.

The statement made by Mr. Vieira de Mello rightly stresses the role that the Security Council can play in support of measures to protect civilians in time of armed conflict. This is not mere theory: since we took up our position in the Council at the beginning of January, the Council's deliberations have dealt mainly with conflicts that threaten civilians and humanitarian personnel. Let me give as an example Angola, Iraq, Kosovo and Sierra Leone.

(spoke in English)

The recent tragic history of Sierra Leone is especially instructive. It underscores the fact that the Security Council needs to consider threats to security in a broader context — beyond what States do or threaten to do to each other — and to consider threats to security in the context of broad-based threats to individuals caught up in all kinds of armed conflict.

Lawless banditry, acute violence against innocent civilians, the employment of mercenaries, the use of child combatants, vast numbers of hungry and sick displaced persons: these are the challenges which the international community must confront in Sierra Leone and in all too many other circumstances. The sad fact is that the Security Council is only beginning to define appropriate responses. This small country of 4.5 million people contains, in microcosm, many of the conceptual challenges to which the Council must find answers if it is to remain relevant, credible and effective.

Humanitarian, refugee and human rights law provide the international community with a legal framework which enshrines the protection of war-affected civilians. Yet it remains evident that this legal framework is not evenly applied or enforced, and that violations are often committed with impunity. The establishment of an International Criminal Court and the two ad hoc Tribunals, for the former Yugoslavia and Rwanda, are concrete examples of how we have begun to address such gaps. Much remains to be done. In this context, allow me to express my very deep concern that Madam Justice Arbour continues to be prevented from fulfilling her responsibilities in Kosovo.

Peacekeeping operations have been employed as a mechanism to separate warring factions, monitor ceasefire agreements and support the delivery of humanitarian assistance. As Mr. Vieira de Mello suggests, however, we have not adequately considered how peacekeeping forces could be used to better protect civilians from the conflicts which rage around them.

In carrying out humanitarian operations, the international community has tended to place emphasis on the delivery of assistance to affected populations. Less attention has been devoted to how we ensure the safety and security of displaced and other war-affected populations or to considerations of how we curb threats to humanitarian workers and others who act at great peril in the service of peace. The passengers and crew of the United Nations-chartered aircraft recently shot down over UNITA-controlled territory in Angola are a tragic reminder of that grim fact.

The Council has begun to address such issues — for example, insecurity in refugee camps, the impact of armed conflict on children and the protection of personnel seeking to provide humanitarian assistance, often in desperate and dangerous situations. This is welcome indeed, but much remains to be done. In particular, the Council should build on its efforts thus far and focus its attention on the broad issue underlying Mr. Vieira de Mello's concerns: the protection of civilians in armed conflict. Only by dealing with the issue in a comprehensive manner can the Council begin to acquit its responsibility for reducing the vulnerability of civilians where international peace and security are at risk.

We take careful note of Mr. Vieira de Mello's conclusion regarding the need for the Council to examine practical ways in which we can ensure greater levels of protection for civilians. We agree with him that this issue

is of direct relevance to the Council's core responsibilities. From our perspective, this is indeed a pressing task for us in the weeks and months ahead.

The Canadian delegation would like to thank you, Mr. President, for making it possible for Under-Secretary-General Vieira de Mello to address the Council this morning. His eloquent, forceful and persuasive presentation is, we believe, a timely and effective reminder of the importance of widening our appreciation of the broader dimensions of security.

The President (*interpretation from Spanish*): I thank the representative of Canada for the kind words he addressed to me.

Mr. Andjaba (Namibia): We would like to thank you, Mr. President, for organizing this important meeting today. My delegation would like to thank Under-Secretary-General Vieira de Mello for providing us with an overview of the current situation surrounding the provision of humanitarian assistance. Indeed, it confirmed our concerns about the overall humanitarian situation, which is worsening, especially in Africa, despite concerted efforts by the international community. In our view, it is indeed the primary responsibility of each Government to provide for the socio-economic needs of its people. In an emergency situation, however, the primary responsibility must rest with all of us.

We are all aware that conflicts create situations for the most outrageous conditions in the world, since the most vulnerable in society — women, children and the elderly — are often targeted and deprived of the most basic human right, the right to life. Furthermore, impeding access to those vulnerable groups for the delivery of humanitarian assistance has become a tactic in conflict. Recent reports of massacres in the Democratic Republic of the Congo and in Kosovo are but two examples. Overall, it is however imperative for efforts to be devoted to the elimination of conditions that provoke the violation of human rights.

Namibia is particularly disturbed by reports that children remain specifically targeted for attack by warring factions. Furthermore, they are recruited, sometimes forcibly, into militia forces and are used as war instruments. They are subjected to hunger, famine and malnutrition and deprived of education and basic medical services, such as vaccination. The situation of girls is even more precarious. We urge those who are engaged in such conduct to refrain from those activities.

My delegation commends the efforts of humanitarian organizations and their personnel, both international and national, who work tirelessly under extremely difficult circumstances, sacrificing their comfort and, increasingly, their own lives, to provide humanitarian assistance to the affected population. It is disheartening to know that those men and women are often targeted in the performance of their duties. We therefore deplore the increased level of violence against humanitarian personnel.

We are also disturbed by the fact that it has become a regular phenomenon for those who are fighting to deny humanitarian personnel access to those in need. This obvious disregard for international humanitarian law should not and cannot be condoned.

The recent debate of the Security Council on the safety and security of humanitarian personnel is a step in the right direction and should be taken further with the aim of adopting measures that should be adhered to by all parties concerned. Here we would like to stress that deliberations of the Security Council on humanitarian activities should be confined to the proper context. The technical role of coordination of humanitarian activities in the future should remain with the Economic and Social Council.

The time has now come for the international community to turn words into concrete action by ensuring that necessary steps are taken to protect the providers of aid and assistance. We must pool our efforts together to ensure that instruments are put in place to punish those who are violating those laws in the name of war. In this regard, Member States must ensure that attacks committed against humanitarian personnel are investigated and that the perpetrators are brought to justice.

Finally, I wish to thank Mr. Vieira de Mello for the concrete proposals advanced in his statement. We hope that the Security Council will give them serious consideration. My delegation, for one, will support serious measures aimed at improving the conditions for the delivery of humanitarian assistance.

The President (*interpretation from Spanish*): I thank the representative of Namibia for the kind words he addressed to me.

Mr. Türk (Slovenia): I wish to start by thanking you, Sir, for organizing this open meeting of the Security Council on this very important and difficult subject. I also wish to thank Mr. Vieira de Mello for his extremely interesting and thought-provoking briefing.

Mr. Vieira de Mello ended his statement with a quotation of Václav Havel. Let me repeat it, because I think it is very relevant to our work:

> "We must not be afraid of dreaming the seemingly impossible if we want the impossible to become a reality."

Now, let me reflect upon the implications of this important thought.

Let me first ask myself what can be defined as the "seemingly impossible". There are many illustrations which can be given and many examples from the current work of the Security Council can help us in discussing this. But I would like to dwell for a short while on an example provided by Mr. Vieira de Mello, who placed, at the beginning of his statement, an important emphasis on international humanitarian law. He explained that the problem of respect for the norms of international humanitarian law in contemporary conflicts has become dramatic. The body of applicable international humanitarian law is impressive and a great achievement of civilization, but — as we learn and as we know from too many situations — much too often the norms of international humanitarian law are unknown, ignored or deliberately violated.

I believe that the Security Council must always insist on the responsibility of all the parties to all conflicts for respect for international humanitarian law and on the punishment of all violations of humanitarian law. In that regard, the Security Council must be consistent and must show the ability to persist. Consistency means that it has to pay due attention to humanitarian law in all situations and that it must be aware — and here comes the persistency element — of the non-applicability of statutory limitations for war crimes and crimes against humanity. Even in those cases in which crimes have been committed years earlier, there is still very good reason to insist on full investigation of crimes and on punishment, because this is the only way to prevent the culture of impunity from prevailing and the only way in which a meaningful and systematic combating of violations of humanitarian law can be pursued.

I believe that this is an important challenge for the Security Council and one which we should dream of as something which is seemingly impossible but which, in time, may become a reality.

Many speakers have referred to specific tasks of the Security Council in contemporary situations, and I do not propose to deal with these in any detail. I would like to mention, however, that the nature of contemporary conflicts is such that most often they produce very serious humanitarian consequences. There are very good reasons to insist, in all situations, on humanitarian access to populations in need, such as, for example, the present situation in Angola. It is necessary to include assistance through humanitarian action in the mandates of the United Nations military forces. One could quote several examples from previous years.

It is very important that the Council pay special attention to the problem of child soldiers — another problem to which several speakers have referred this morning — especially in the context of the eventual demobilization and reintegration of children after the conflict. One would hope that the situation in Sierra Leone would be one in which one could start meaningfully to dream about the demobilization and reintegration of children.

Finally, as many have said, the protection of humanitarian personnel should be a very important priority for the Security Council.

All these tasks belong to the important work of the Security Council, but, in addition to these, I believe that it is worth keeping in mind what Mr. Vieira de Mello told us today: humanitarian action can never resolve conflicts that, in essence, have political origins. I am mentioning this because all too often in the past few years, the Council has ended up with humanitarian action being seen as a substitute for political action. It may be recalled that Secretary-General Kofi Annan has often referred to this problem and explained that humanitarian action can be only a palliative and no substitute for action aimed at tackling the root causes of different crises.

A commentator in today's issue of the *International Herald Tribune* emphasizes that humanitarian action must not be the only response of the political bodies to the tragedies resulting from armed conflicts. Certainly, the Security Council is primarily a political body, so therefore it has to think seriously and hard about its basic approaches to various armed conflicts and crisis

situations. This does not in any way diminish the importance of the humanitarian dimension; at the same time, when contemplating humanitarian action, the Council has to be aware of the need to address the political issues.

In this context, two thoughts come to mind. First, the Council should, in my opinion, put into focus preventive action in all situations, when possible. The Council should more often engage itself at an early stage of a conflict or an emerging conflict and, perhaps, more often invite or encourage the Secretary-General to exercise his role as an actor of preventive diplomacy to prevent conflicts.

Prevention, of course, is not always possible and sometimes far-reaching decisions have to be taken by the Security Council. Here again, I think, the basic political requirement is that these decisions be taken on time. A threat to the peace must be addressed at an early stage. I firmly believe that the Security Council should not allow itself to be paralysed, should not allow national interests to paralyse its action in an early effort to address an emerging threat to the peace.

Sometimes, the paralysing effect of national interests is hidden behind the rhetoric of protection of the national sovereignty and territorial integrity of States. The principles of protection of the sovereignty and territorial integrity of States are important principles, but they are not absolute. The Security Council must be able to distinguish between the genuine protection of the sovereignty and territorial integrity of States and the use or abuse of these principles as quasi-justification for the commission of crimes against humanity and other atrocities which, in addition to being an evil in themselves, threaten the international peace.

In such situations, the Security Council must be able to determine when and where the threat to international peace actually starts. Action should be early and that action, in our opinion, should even include the possibility of authorizing the use of force in order to prevent the threat to peace from developing further into an open and broad conflict and from producing a humanitarian catastrophe. This is, in my opinion, one of the basic political challenges to the Security Council these days and something which should not be overlooked, even when we talk primarily about the humanitarian aspects of our work.

Let me conclude once again by quoting Václav Havel:

> "We must not be afraid of dreaming the seemingly impossible if we want the impossible to become a reality."

The Security Council must not allow paralysis. It must show the ability to act in a meaningful way at the political level.

The President (*interpretation from Spanish*): I thank the representative of Slovenia for his kind words addressed to me.

Sir Jeremy Greenstock (United Kingdom): I join in the warm thanks to Under-Secretary-General Vieira de Mello for his important and wide-ranging briefing. The United Kingdom welcomes his involvement in this open meeting. We are strong supporters of his role as Emergency Relief Coordinator, and I would like to pay tribute to the success of the Office for the Coordination of Humanitarian Affairs as an essential unit in the United Nations structure under his leadership. I hope this will be the first of many occasions on which we will be able to hear his views and on which we will be able to address human security issues.

As we all noted, we continued to see gross violations of international humanitarian law and human rights law in many bitter current conflicts. Such violations often feed the hatred of parties to the conflict and perpetuate the cycle of violence. How do we break that cycle?

I agree with Ambassador Türk on many things that he said, but particularly that one key issue here is the state of the existing body of international humanitarian law. Is the problem that we need to implement existing law much more effectively? Or are there loopholes which need to be addressed in the body of law? Does the United Nations system, including the Security Council, need new instruments to ensure compliance with international law? The establishment of the International Criminal Court is a vital step, but it is not enough on its own.

As Mr. Vieira de Mello has pointed out, the Council has a role in humanitarian issues. It seems to us that we have seen some encouraging trends in recent years. The Council needs to continue to ensure that peacekeeping operations support the development of local law-and-order capabilities, the restructuring of armed forces on a constitutional basis and the restoration of economic activity through properly planned infrastructure programmes. Civilian police components, demining

programmes and the reintegration of former combatants will often be essential elements of future multidimensional peacekeeping operations. Beyond this, we need to look at how best to strengthen civil society, build local democratic institutions and ensure that the rights of men, women and children are protected. Does Mr. Vieira de Mello feel that more can be done in this area, particularly after a conflict may have died down?

I fully understand the accent he has placed on the effects of conflict on innocent civilians. We seem to have become inured to a series of horrific stories. Kosovo is one source, Sierra Leone is currently another. I read in my papers this morning of a visit which a British diplomat has just paid to Freetown. He talked to the Minister responsible for broadcasting the views of the elected Government of Sierra Leone, and this Minister told the British High Commissioner that he had to stop those broadcasts because on the outskirts of Freetown, when the rebels heard the voice of the Minister on the radio, they were so angry at hearing the sound of his voice that they went out in the streets and killed the first civilians that they found. How do you reach people who do that sort of thing?

Mr. Vieira de Mello said, "The gulf between existing international norms and respect for them on the ground has never been so wide." (*supra*) As a response to that, verbal outrage is just not good enough. How can we both ensure higher humanitarian standards and fulfil our Charter obligations to respect the sovereignty and territorial integrity of States, especially when they are led by murderous regimes, and in the worst case when those regimes have used chemical weapons against their own people? What is the overriding priority here? I agree with Ambassador Lavrov on this point, that this is an area which needs further analysis and may require changes.

The United Kingdom has worked a great deal with the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the International Committee of the Red Cross, the Special Representative for Children and Armed Conflict and non-governmental organizations to promote protection of civilians, and particularly of children, in armed conflicts. Does the Under-Secretary-General have ideas on how the Security Council can address the important issue of coordination with bodies such as these in this important area. Ambassador Lavrov, among others, has rightly drawn attention to this. The Security Council has a partial and rather ill-defined responsibility for an extremely complex area. Are we approaching the issue of cohesion between the Security Council and the rest of the United Nations system with sufficient seriousness?

I am sure that the Secretariat will have been pleased to see the adoption last November of resolution 1208 (1998), which addresses the need to maintain the civilian and humanitarian nature of refugee camps. Does the Under-Secretary-General have further ideas on what special measures might be considered for the protection of such camps, in particular given the vulnerable segments of the population they often house, such as children?

A further area which I agree must be highlighted is the physical security of humanitarian workers. The United Kingdom is working with non-governmental organizations in particular to study options for protection of humanitarian agencies and their personnel. I would like to ask whether the Office for the Coordination of Humanitarian Affairs has done any further thinking in this area, and if so, what practical conclusions are being drawn.

Finally, I would like to commend you, Mr. President, for the excellent initiative of holding this meeting. It is important that the Council should follow up and find answers to some of the questions I have raised, as well as ways of implementing the specific suggestions made by Mr. Vieira de Mello. The United Kingdom fully supports the use of this effective and transparent format and hopes that it will be taken up by other Council presidencies in the future on this and on other subjects.

Mr. Jagne (Gambia): Like previous speakers, my delegation would like to thank you, Mr. President, for convening this meeting on a subject of common concern to the international community. We are also grateful to Under-Secretary-General Vieira de Mello for his comprehensive and thought-provoking briefing.

The question of humanitarian action has always been on the agenda of the international community. But we could also state, without any fear of contradiction, that the Secretary-General's report on Africa rekindled interest in this matter. Since the publication of the report, related issues to the maintenance of international peace and security have gained renewed attention.

It will be recalled that Ambassador Olara Otunnu briefed us on the thorny issues of children in armed conflict and post-conflict peace building. Madam Ogata, the United Nations High Commissioner for Refugees,

also spoke to us on the work of her agency. Today, Under-Secretary-General Vieira de Mello is following in the footsteps of Olara Otunnu and Madam Ogata.

We listened with great attention to Mr. Vieira de Mello when he guided us step by step from the environment, to the nature of modern-day warfare, to the legal instruments available to deal with the attendant evils of war.

When wars are no longer fought in the battlefield but in cities and villages, what can we expect? More civilians die. The answer is simple. And among the civilians who bear the brunt of such conflicts are women and children, the most vulnerable groups. They are targeted for physical elimination and abuse.

The situation in Sierra Leone is a classic example of atrocities inflicted on civilians by armed rebel groups. Those who survive the atrocities are reduced to the status of displaced persons and refugees. Even then, there is still no mercy, because humanitarian workers are often denied access to them. Nothing can be more criminal than to deny food and water to the needy.

In addition to that, humanitarian agencies are sometimes left alone in extremely hostile situations, exposed to all sorts of dangers and difficulties. In order to deal with these issues, Under-Secretary-General Vieira de Mello cited a number of international legal instruments ranging from the Convention on the Rights of the Child to the most recent, the Convention on the Safety of United Nations and Associated Personnel. As in similar situations, all that we can do is join the appeal for States parties to recommit themselves to the aims and objectives of these international legal instruments and international humanitarian law.

The problem is made even more difficult because of the nature of conflicts today, when we are dealing with armed groups that have no regard for the sanctity of life. This is why we understand both the United Nations and other international humanitarian agencies when they insist on minimum guarantees from all the parties to a conflict before moving in or resuming work.

As we tackle the problem of impeded access to the needy, we should also redouble our efforts in dealing with the question of impunity. In this connection, we follow with keen interest the work of the International Tribunals for Rwanda and the former Yugoslavia. With the establishment of the International Criminal Court, we, the Member States, should cooperate even more closely to pursue and bring to justice perpetrators of gross violations of human rights.

In this regard, it is important to use the media judiciously for the dissemination of information, as widely as possible and in all languages, so that all nations will uphold international humanitarian law. It is certainly not an easy task, but let us start.

This briefing has been an eye-opener. It has been very useful, and we are convinced that, through concerted international efforts, we can together make a big difference in the lives of the less fortunate members of the family of nations.

The President (*interpretation from Spanish*): I thank the representative of the Gambia for his kind words addressed to me.

Mr. Hasmy (Malaysia): My delegation would like, at the outset, to express our appreciation to you, Mr. President, for convening this open formal meeting on this important subject, which contributes to the further openness of the deliberations of the Council. My remarks will be brief.

My delegation would also like to thank Under-Secretary-General Sergio Vieira de Mello for his comprehensive and informative briefing on the subject of humanitarian activities relevant to the Security Council in the context of promoting peace and security. My delegation welcomes this briefing and future briefings on this important subject, which has a direct bearing on the primary responsibility of the Council in the maintenance of international peace and security as it deals more and more with the issue of the humanitarian dimensions of conflicts around the world, especially given the new and more pernicious forms of conflict in our contemporary world. This briefing and future briefings on this subject serve the purpose of highlighting this issue, as well as sensitizing Council members and the general membership of our Organization to the need for full observance of and compliance with existing international laws.

On the question of security of humanitarian operations and personnel, my delegation shares the concern of the Secretariat and other members of the Council over the disturbing increase in the number and scale of direct, calculated attacks or use of force against United Nations personnel, as well as those of other humanitarian organizations. Such actions are

reprehensible and must be condemned wherever and whenever they occur, and justice must be meted out to those responsible, without fear or favour.

Clearly, the authorities in States in conflict situations must bear final responsibility for ensuring the safety and security of these courageous and dedicated workers as they go about performing their increasingly indispensable work in the name of humanity. As recognition of their outstanding work and selfless dedication in extremely difficult and often dangerous situations, these humanitarian personnel and organizations should be commended by the United Nations and other international organizations and Governments in appropriate ways — as we do, for instance, in respect of our peacekeepers.

On the issue of compliance with international law, it is imperative that the Member States of the United Nations reaffirm and comply with the existing norms, principles and provisions of international law to ensure the protection of and assistance to refugees, displaced persons and vulnerable populations in conflict situations, as well as their access to international protection and humanitarian assistance.

As regards the mechanisms to ensure compliance with international law, it is important that the prevailing culture of impunity be brought to an end and violators of humanitarian law be brought to justice. Clearly, States have the primary responsibility in prosecuting perpetrators through the national justice system or through relevant international criminal tribunals, when appropriate.

My delegation will be prepared to support, for instance, the idea of holding combating parties and their leaders financially liable to their victims under international law, in cases where civilians are made deliberate targets of aggression. Appropriate legal machinery will, of course, have to be established for this purpose.

There are many other aspects of the humanitarian dimensions of conflict that are of concern to my delegation and that I would have liked to address, were it not for the interest of brevity and the fact that they have been adequately and eloquently addressed by other Council members, with which my delegation associates itself.

Under-Secretary-General Sergio Vieira de Mello made a number of suggestions and proposals in his excellent presentation. We commend them for the serious and early consideration of the Council. In thanking Mr. Vieira de Mello for his thought-provoking suggestions and proposals, my delegation would like to assure him that the Malaysian delegation will take an active and constructive attitude in the Council's deliberations on these ideas, as we are generally in agreement with many of them.

In conclusion, I would like to associate my delegation with the remarks made by the representative of China with respect to the need for the Council to also address the humanitarian dimension of sanctions imposed by it. In the view of my delegation, the issue of the humanitarian impact of sanctions is relevant and, indeed, pertinent in any discussion of the subject of the humanitarian dimensions of conflict situations.

The President (*interpretation from Spanish*): I thank the representative of Malaysia for his kind words addressed to me.

Mr. Dejammet (France) (*interpretation from French*): Allow me to join all those who have thanked you personally, Mr. President, for suggesting and convening this meeting and for having invited your compatriot, Mr. Sergio Vieira de Mello, to share his views. As always he has expressed them in an extremely clear, precise, well-documented and thought-provoking way. We trust that this debate convened on your initiative, and which was so ably opened by the Under-Secretary-General for Humanitarian Affairs, will indeed encourage the members of the Council to continue to give thought to these matters so that this fundamental issue of simple respect for human beings caught up in conflict situations can really begin to be resolved.

We are all aware of the considerable change that has occurred in recent years in dealing with these complex problems. It is striking that now 90 per cent of the victims of armed conflicts are civilians, whereas it used to be that this 90 per cent represented combatants. Civilian populations have become the principal victims of conflicts, and sometimes deliberate targets. I am thinking in particular of the most vulnerable group: children. It is therefore essential, as Mr. Vieira de Mello said, that measures be taken to raise the minimum age at which children can be inducted into armed forces and to ensure better, effective protection of children during armed conflicts. But this, we must admit, is but one example of the significant worsening of respect for humanitarian law in recent years.

Of course, everyone knows the principles. They remain fundamental. These principles include assured and unimpeded access to victims and to all affected

populations. This is a fundamental right. It is often flouted. Sometimes it is respected, which proves that sometimes in difficult situations it is possible for there to be respect for some principles. In this connection, Mr. Vieira de Mello was right to mention the crisis in Guinea-Bissau where, happily, it has been possible to provide assistance to the parties involved.

Another fundamental principle is the protection of refugees and displaced persons. Yet another, of course, is the distinguishing and separation of civilians from combatants. In the report submitted to us in September the Secretary-General once again stressed the urgent need to make this distinction. Other principles include protection of hospitals and, lastly, protection of humanitarian personnel. Since here again there is a good example, I would like to join in the tribute that Mr. Sergio Vieira de Mello paid to the representative of Russia for the role his country played in the release of Vincent Cochetel, a member of the humanitarian staff of the Office of the United Nations High Commissioner for Refugees.

Clearly, we must remind ourselves of these principles, and we are being given the opportunity this year, it being the anniversary year of several conventions: the Geneva Conventions and their Additional Protocols, and also of course the Hague Conventions. These anniversaries should lead us to take action to ensure that these Conventions are better respected and ultimately to strengthen the guarantees they provide.

But beyond these necessary reminders, beyond the work we can do to strengthen these legal instruments, we, the members of the Security Council, must act. We must take long-term measures, as we have, for example, in establishing International Criminal Tribunals for Rwanda and the former Yugoslavia, which are charged with trying those responsible for serious violations of international law.

Another long-term and positive undertaking is the establishment of the International Criminal Court, which will sanction violations of the Geneva Conventions. This is a major step forward, and France, which is proud to have supported early on to the establishment of the International Criminal Court, hopes that it will soon be able to take action.

However, in the short run, during which we are almost daily confronted with crises that are at once political and humanitarian, we Council members must strive to provide a response, and to do so immediately. This will lead us, as we reflect on the maintenance of peace, to anticipate humanitarian problems and, above all, the need to protect innocent civilian populations. We must strive to act before there is a crisis, as, for example, recently when we held a debate on peacekeeping, trying to do all we could in advance to avoid humanitarian disasters.

Here again there are examples that show this is possible. I am thinking for example of the multinational force authorized by the Council, Operation Alba in Albania. But we also have to keep in mind the shortcomings, setbacks and failures; I am thinking of our inability at the end of 1996 to avoid the disaster in eastern Zaire, the humanitarian tragedy that took place in that region of Africa, as everyone knows.

This leads us to reflect on how to draw lessons from past experience. Within the Council, of course, we already know that we must strive from now on to define precise mandates, to distinguish the political, military and humanitarian tasks to be done, and to preserve the neutrality of humanitarian activities. As several speakers have said, such as the Ambassador of Slovenia, we must in any case remain well aware that, by leading to extensive movements of refugees and displaced persons, the risks of humanitarian catastrophes can themselves threaten peace and international security. Thus, the Security Council has the responsibility and the duty to provide a response to this.

To be very specific, we must be well aware of the challenging tasks facing those who deal with humanitarian problems. One of these tasks is indeed distinguishing between the humanitarian and the political solution. The humanitarian response cannot always substitute for dealing with conflicts and their causes. Sometimes the representatives of humanitarian agencies bear a heavy responsibility, the heavy responsibility of saying, "We are doing what we can, but the problem goes deeper and it is up to the Security Council to take political decisions, and sometimes also military decisions." We must realize that the Council cannot completely shed this responsibility, entrusting it to the humanitarian actors.

Another responsibility weighs heavily on those in charge of humanitarian agencies: to what extent can those agencies accept departures from the principles of neutrality and non-discrimination in order to carry out their mission? This is not a theoretical question; it arose recently in very practical terms in several conflict situations in Africa and in Afghanistan. In other words, what are the acceptable limits on the constraints that local authorities may seek to impose on the presence and the

work of humanitarian personnel? This is a serious question that involves ethics, the agencies' responsibility vis-à-vis their immediate obligation to provide assistance, and also respect for more general legal principles.

My last point relates to the topic of existing standards, and in a way it is a question for Mr. Vieira de Mello. Does he believe that new standards of international law must be introduced in view of the changing nature of armed conflict, the fact that the civilian population has become by far the main victim and target, and that the distinction between civilians and combatants is becoming increasingly blurred?

Mr. President, this debate, which you have taken the initiative of convening, must not only lead to the Security Council's becoming more active in monitoring and responding to conflicts politically, militarily or at the humanitarian level; it must also lead us, together with the Secretariat, to reaffirm certain principles and also to reflect on ways of supplementing or fine-tuning them if necessary.

The President (*interpretation from Spanish*): I thank the representative of France for the kind words he addressed to me.

Mr. Dangue Réwaka (Gabon) (*interpretation from French*): My delegation wishes to join those that have already spoken in thanking you, Mr. President, for having convened this meeting, whose significance is clear to all. We paid close attention to the important statement just made by Under-Secretary-General Vieira de Mello on the problems related to security and freedom of access and movement that often confront governmental and non-governmental organizations entrusted with humanitarian assistance, particularly in times of conflict. In this connection, my delegation would like once again to express our deep gratitude for the tireless efforts deployed by the Under-Secretary-General and the department he heads to ensure enhanced coordination and distribution of humanitarian assistance to those in need.

It is most regrettable to note that despite all of the efforts made to substitute peaceful measures for the resort to war, we cannot but acknowledge that human suffering and the material damage caused by war continue unabated. As emphasized by Under-Secretary-General Vieira de Mello, the United Nations and the international community as a whole have at their disposal a considerable body of norms and instruments based on international humanitarian law that were adopted to prevent and protect civilian populations in areas of armed conflict.

I should like to add that last year, in considering the report of the Secretary-General on the causes of conflict in Africa, the Security Council adopted a number of resolutions, including those on the protection of refugee camps, and in particular resolution 1208 (1998), which was mentioned by the representative of the United Kingdom in his statement. We agree with Under-Secretary-General Vieira de Mello that the Council, in the context of its responsibilities, must consider other, more specific measures that would afford increased protection to humanitarian personnel and civilian populations, taking into account the Charter of the United Nations. We will do our utmost to see to it that the Council responds in a satisfactory manner to the measures proposed by Under-Secretary-General Vieira de Mello.

The President (*interpretation from Spanish*): I thank the representative of Gabon for the kind words he addressed to me.

I shall now make a statement in my capacity as the representative of Brazil.

Let me begin, of course, by thanking the Under-Secretary-General for Humanitarian Affairs, Mr. Vieira de Mello. He is my compatriot, indeed, but he is first and foremost an international civil servant whose career has focused mainly on the humanitarian area and whose knowledge of the matters he has spoken of here is very extensive. It is for this reason that he was able to speak to us not only with his mind but with his heart, including the two excellent quotations he mentioned.

Let me first comment on the quote from President Havel. It is very important to recall that it was a statesman who said what he did about making dreams come true and dreaming the impossible if we want the impossible to become a reality. But perhaps, to pay tribute to a great author who wrote in the language that I am using — if not misusing — today, I should recall that the same thought, though phrased differently, was contained in the works of authors such as Cervantes. This gives us some measure of the Iberian spirit, represented here by the representative of Argentina and, perhaps indirectly, by Brazil.

The other quotation has a direct bearing on some of the issues I wanted to mention: the quotation by Burke, which says that the only requirement for evil to prevail is for good individuals to do nothing. I would say, though, that if such people do nothing, then they are not

good. They may be well-intentioned, but there is a distinction to be drawn between being truly good and having good intentions. For us, I think, it is a ray of hope in the rather gloomy picture painted for us by the Under-Secretary-General to know that good men and women in the true meaning of the word — not just well-intentioned — are ready and willing to make the sacrifices they have agreed to and to risk their own lives for the sake of humanitarian ideals.

But this thought leads me to another: the Weberian concept of distinguishing between individual morality, which is based on conviction, and political morality, which is based on responsibility. This is the task that all of us — humanitarian agencies, in particular the United Nations humanitarian agencies, but especially and principally the Security Council, must undertake: to make that distinction, because for us, the Security Council, what is important is morality based on responsibility.

The difference between the two is that the morality of responsibility cannot permit the belief that no sin has been committed, that the right thing is being done from the standpoint of the conscience; rather, it is necessary to obtain results. The morality of responsibility involves the concept of a morality oriented towards results. I believe that that is extremely important in our daily work, because with regard to certain issues we often feel the urge simply to call upon parties to engage in dialogue or to reach a peaceful resolution. But what is expected of us in the humanitarian and in the political fields goes beyond that. I believe that the comments of some of those who spoke earlier, including the Ambassadors of the Netherlands and of France, on the need for a political strategy which could incorporate humanitarian activity are extremely important. Otherwise, we will be left with good intentions but without results. We must go beyond people's individual qualities of courage and generosity and demand political vision.

I should also like to make a brief comment on an issue that was raised a few days ago: the question of the nature of current conflicts. There have been many analyses pointing to a change in the nature of conflicts in the post-cold war era, which today seem to be more internal in character and to involve civilians. No one needs to be reminded of the fact that, tragically, many conflicts in the past also involved civilians. However, it also seems to me that such analyses have implications for today's debate.

An interesting article published in the review, *Foreign Affairs*, a few years ago by Professor Stephen John Stedman of Johns Hopkins University states that internal conflicts are not in fact more frequent today than they were in the past, or more violent. The American Civil War, for example, took the lives of more than 600,000 people. The Spanish Civil War in the 1930s and the Nigerian civil war of the 1960s also led to fatalities on a similar scale. During the cold war, the conflicts in Korea, Viet Nam, El Salvador and Nicaragua were essentially internal conflicts in which there was, of course, outside intervention. On the other hand, many of today's humanitarian problems, especially with regard to the issue of refugees, relate to conflicts that cannot be classed as internal conflicts, as is the case in the Middle East.

I say that simply so that we may take with a grain of salt, as we did when discussing the issue of peacekeeping, the idea that conflicts today are completely different in character from those of the past. What may have changed is that, with the end of the cold war, the major Powers have become considerably less interested in intervening in internal conflicts. Clearly, on the one hand that is a positive development, because no one wants external intervention in internal conflicts, which very often simply leads to the perpetuation of such conflicts beyond the period of the intervention, as was the case in Angola, a subject with which we are so often occupied in the Security Council. However, one consequence of the fact that today the major Powers are less involved, at least militarily, is that many of those conflicts have become "orphaned" in a way, with the Security Council becoming a forum of last resort to check the levels of violence.

I believe that that is what is happening, rather than there being a great difference in the nature of the conflicts. I believe that it is important for the Members of the Organization, and especially for the members of the Security Council, to arrive at an understanding among themselves on the limits of Security Council action in the humanitarian area, with the Council reserving its attention and energy for those cases that truly threaten regional or international stability — such cases are not infrequent — while other bodies, such as the Economic and Social Council and its strengthened humanitarian segment, deal with the other issues. In this context, I am pleased to say that yesterday, in my capacity as President of the Security Council, I received a visit from the President of the Economic and Social Council, Ambassador Paolo Fulci, who indeed intends to take up the invitation that we issued to the Economic and Social Council in several documents with a view to dealing with situations of post-conflict reconstruction and

rehabilitation, including the implementation of Article 65 of the Charter.

I believe that in the Council we must resist the temptation to establish an automatic correlation between the concept of collective responsibility, which does indeed exist at the humanitarian level, and the effort to achieve collective security, a concept which is specifically the responsibility of the Council. Collective responsibility in the face of a humanitarian emergency can be effectively discharged by other bodies, as the Secretary-General pointed out in his report on protection for humanitarian activities. Clearly, that is almost a tautology, but sometimes it is appropriate to stress tautologies. The Council must shoulder its responsibilities when it intervenes in long-standing questions that can be defined as collective security issues in the context of regional or international instability and dealt with if possible by means of diplomacy and with the consent and cooperation of the beneficiary country.

Another issue relates to the various options for the protection of humanitarian operations with serious security problems which States either cannot or do not want to deal with in a satisfactory manner and with regard to which one or more parties to the conflict will not accept external security forces. With regard to such situations, it is worthwhile reaffirming that the report of the Secretary-General states that no intervention that is deemed humanitarian can be without a political strategy. In this respect I am repeating to some extent the comments of Ambassador van Walsum. In other words, protection measures that are not part of a political or diplomatic plan undermine the effectiveness of humanitarian action and can actually make the situation worse.

Furthermore, we should recall that the humanitarian organizations themselves are very often afraid that the use of military force with humanitarian goals, especially in the context of Chapter VII of the Charter, can compromise their impartiality and neutrality and have a negative impact on their ability to assist the victims of all the parties to the conflict and may increase violence against the personnel of the United Nations and of other humanitarian organizations. That is another issue that has been mentioned here and which we consider to be very important.

Given such considerations, perhaps we might engage in some self-criticism and ask ourselves whether a certain inclination to contemplate the use of force for humanitarian purposes or eventually to adopt a position that is favourable to one of the parties, abandoning the impartiality that must be part of the code of conduct of humanitarian workers, might, at least in some cases, be the source of an increase in violence against humanitarian workers in conflict situations.

My comments do not exclude the possibility that there may be cases in which force may be truly indispensable as a last resort, but it is clear that in any case the approval of the Security Council is essential. Article 51 of the Charter of the United Nations sets forth a single exception for the use of force without prior authorization of the Council: legitimate self-defence. Otherwise, accepting unilateral military action in humanitarian emergencies would imply the recognition in some form of one nation or a group of nations not only wielding greater power, but having a certain moral superiority of which they could take advantage in such situations.

That having been said, however, we must also consider the other side of the coin, which also seems to me to be important. In order for the Security Council to preserve its authority, it is necessary first to avoid any erosion of that authority by actions taken outside the Council. However, it is also necessary for members of the Council — particularly the permanent members, who are able to veto draft resolutions — to deal with specific situations not from the standpoint of their own specific interests but rather from the standpoint of ensuring peace and security in the world and from the perspective of the Organization as a whole. Because actions that take place outside the Council may undermine the Council's action, the Security Council itself may also be undermined by having its activities blocked, perhaps without consideration of very serious elements that arouse the feelings of the entire world.

As I have already spoken at some length today, particularly from this seat, I wish to make a final point on the subject of sanctions. As all know, the General Assembly adopted a resolution on the important topic of an Agenda for Peace, but the Security Council has yet to express its view in this respect. Proposals were made by the Chairmen of the sanctions committees in 1998 — among whom was Ambassador Dahlgren, who is no longer with us — that are being considered by the Council. We hope that it will soon be possible to adopt certain specific guidelines for these committees, particularly on the humanitarian issues that we are addressing today. However, a broader and more

conceptual discussion will be necessary, and it would be useful for such a discussion to be held in this Chamber.

I now resume my functions as President of the Council.

Mr. Burleigh (United States of America): I just wanted to make a brief comment. Excuse me for taking the floor twice, but I thought that several of the interventions today have been extremely interesting and thought-provoking — in particular your comments just now, Sir, but also issues raised earlier by Ambassador Lavrov and then commented on, in one way or another, by Ambassadors Türk, Greenstock and Dejammet and again by yourself.

There is one aspect of them that I should just like to note for the record, because it is a subject that has come up repeatedly in the Council and which I think you, Sir, were alluding to again. I would describe it as the question of the use and misuse of the sovereignty concept. I am just throwing this out for possible future discussion among Council colleagues, because I know it is controversial and a very difficult issue.

It is my Government's view that there are circumstances — such as the humanitarian crisis in Kosovo this past fall and currently looming, or the repression of the civilian population in Iraq — in which the international community should and must be willing to act to protect civilians against the depredations of their own Governments. It is sad but true that the sovereignty arguments can be used and sometimes have the practical result of finding excuses for repressive, even murderous Governments which are engaging in gross violations of the human rights of their own citizens. These arguments also often lead to the incapacitation of the international community, as you alluded to just now, Sir.

We do not believe that such extreme examples of Governments' mistreatment of their own populations should be tolerated.

The President (*interpretation from Spanish*): I shall now call on Under-Secretary-General Vieira de Mello to respond to comments and questions.

I wish first to make a very brief comment. It is clear that we are not going to exhaust every aspect addressed here today, but I believe that it is only fair to call once again on the Under-Secretary-General for some brief comments since, as members know, we still have another meeting to convene on an equally important item.

Mr. Vieira de Mello (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator): I thank you, Sir, and all members for this opportunity to speak again, for the strong support they have expressed and for their recognition that the humanitarian consequences of conflict are of direct concern to this Council and its members and to the maintenance of international or regional peace and security. It is a very important encouragement to my colleagues — United Nations and non-United Nations alike — and indeed to myself and to my colleagues in the Office for the Coordination of Humanitarian Affairs.

(*spoke in Spanish*)

On your example, Sir, I too shall use — and perhaps butcher — the language of Cervantes to refer to the statement made by the Ambassador of Argentina and to thank him for his comment to the effect that this Council, and Argentina in particular, will show zero tolerance for violations of international humanitarian law and humanitarian principles. I wish to ask Ambassador Petrella and all the other members of the Council to help us translate this zero tolerance into specific actions in specific geographic areas.

(*spoke in English*)

I also wish to thank other members who indeed insisted on something that is key to our concerns here: that humanitarian problems are key to political solutions. As the representative of China indicated, the focus must be — not least in a preventive sense, as also suggested by the Permanent Representative of Slovenia — on prevention and on tackling the root causes. All heads of humanitarian agencies have insisted on this and I welcome this clear recognition by members of the Council.

I wish to thank the representative of the Russian Federation — and to apologize for not being able to express myself in his language — for mentioning the curbing of arm flows as an important element. As a matter of fact, I had thought of including it in my statement, but for the sake of brevity decided to refrain from doing so. This is also central to the concerns of humanitarian organizations. We welcome the European Union initiative and the West African moratorium, which I think is a model of what can be achieved at the

subregional and regional levels with strong international support. We must continue a well-coordinated effort and achieve something similar for the Ottawa Convention on anti-personnel landmines.

The representative of Bahrain, later supported by the representative of the United Kingdom, asked me what concrete steps could be taken to protect humanitarian workers. First of all, let me thank the representative of Malaysia for repeating here a statement he made at the humanitarian segment of the Economic and Social Council last year on the need, perhaps, to better recognize the sacrifices made by humanitarian workers, particularly those who have lost their lives in action. I thank him for that and I can assure him that, since he last spoke at the humanitarian segment of the Economic and Social Council, we have been working hard and the Secretary-General himself has decided to pay personal attention to this.

Obviously, as in peacekeeping operations, the cooperation and consent of the parties are essential but, as we remarked, seldom present. As the Ambassador of Bahrain indicated, in extreme circumstances, in extreme conditions of insecurity, the only choice humanitarian agencies have is to suspend and withdraw, although clearly we wish to avoid such decisions from having to be taken. Therefore, deterrence is essential, which is why we welcome statements, such as those made by the representative of the United States and others, that the 1994 Convention on the Safety of United Nations and Associated Personnel must be broadened and strengthened. I have also spoken of the role of the International Criminal Court in providing us with a modicum of deterrence by including such attacks against humanitarian personnel in its purview.

Other active protection mechanisms are, obviously, peacekeeping operations, whether United Nations, multinational or others, including very *sui generis* arrangements, such as the United Nations guards in northern Iraq or, indeed, the Zairian contingent for security in refugee camps in eastern Zaire, which was also entrusted with providing humanitarian workers and supplies with protection.

The role of the Security Council is also essential, as noted by Namibia and others. I must say, that the representative of Namibia alluded to a point I made only yesterday, in connection with Angola, and I welcome very much that support. Local arrangements are also essential, and I wanted to point out that we have, to the extent possible, worked out practical agreements, such as the security protocol signed with the Taliban movement in Islamabad at the end of October of last year, and indeed another such security agreement, signed with the Government of the Sudan and the Sudanese People's Liberation Movement at a technical meeting held in Rome last December. These, we hope, will increase our ability to ensure a security regime on the ground.

I was also asked by the Ambassador of Bahrain what the new obstacles are to humanitarian work. I mentioned a few. So did he. Financing is one, and he asked me what the gap is between needs and contributions. The gap last year was about 50 per cent globally, although some operations, such as those in the Sudan and the former Yugoslavia were financed up to 80 or 82 per cent, while others, such as in Tajikistan, were financed up to only 23 per cent. This year, the 1999 consolidated appeals have globally been reduced by one third as an expression of our realism and also of our expectation that what is available in terms of humanitarian assistance will actually come forward. So we very much hope that this reduction in the overall humanitarian budget for 1999 will bring about greater generosity on the part of the donor community — without forgetting the generosity of host countries, whose contribution is seldom acknowledged.

Regarding access, I think I described that in my introduction, but I wish to welcome the statement by the Permanent Representative of the Gambia supporting our call for minimal guarantees, as he also did yesterday in a different debate. Long and protracted conflicts and the search for political solutions is another obstacle to humanitarian work. It is practically impossible for humanitarian personnel in humanitarian operations to uphold impartiality and to be perceived as impartial when conflicts are prolonged for so many years. This is one of our major dilemmas, the only answer to which is, obviously, greater efforts in terms of prevention and early resolution of conflicts.

The representative of the United Kingdom asked me what could be done to support the development of civil society and greater cohesion and cooperation among agencies, particularly as conflicts die down. Obviously, an early strategy which, in Afghanistan we have called, as members know, a strategic framework — although it came belatedly in that case — might be the answer. I believe that member States now strongly support this approach, as did the Permanent Representative of France and others.

I think the integration here and the consultations in the Secretariat with our colleagues in peacekeeping operations and political affairs are excellent, as they are with our colleagues in the United Nations Development Programme and, it goes without saying, with humanitarian agencies. But we need to broaden such coordination and consultations to include other actors, not least the international financial institutions. As the Council knows, the Deputy Secretary-General is considering applying the strategic framework approach to new in-conflict or post-conflict transitional situations from conflict to peace. One of the options is, in fact, Sierra Leone, where a lot needs to be done and where we must act now, as in that country we are back, unfortunately, to square one. I also welcome what the Permanent Representative of Brazil and our President stated about the role of the Economic and Social Council and its humanitarian segment in bringing about this cohesive approach, in particular in post-conflict situations.

I think I have mentioned a few ideas on how to improve protection to refugee camps, such as the role of national authorities. One example is the support that the Office of the United Nations High Commissioner for Refugees (UNHCR) has provided the Tanzanian Government, and its Ministry of Home Affairs in particular, in improving its capacity to ensure the strictly humanitarian nature of Burundian refugee camps in north-western Tanzania. The Zairian contingent on security and camps in eastern Zaire in 1994, 1995, and 1996 is another example of what can be done to provide training and financial support to local forces. Peacekeeping operations and multinational forces would also be welcome, but, as the representative of France remarked, they cannot always be counted upon, as was the case in eastern Zaire with the multinational force approved by this very Council, but which never saw the light of day.

Finally, one important element in reply to the United Kingdom is strategies to counter disinformation. We have developed those in the humanitarian community, but I must say that they are not always effective when the grip, the psychological grip, exercised by criminal elements that control refugee populations is more powerful than the truth we try to provide them with.

There was a question from the representative of the United States on the situation in the Democratic Republic of the Congo. As members know, there have been ups and downs in the situation in Kinshasa, and the situation in Kisangani is dire. In the south, Angolan refugees keep pouring in, and UNHCR has great difficulties in coping with the problem. And we have the situation in the east, where refugees remaining from the dispersion of the camp populations in 1996 and 1997 — refugees, as distinct from criminals, from *génocidaires* and from members of the *interahamwe* and of the Rwandese Armed Forces — these people are still in need of international protection, as are others who have entered eastern Zaire in recent months as well.

We also have populations of internally displaced persons fleeing discriminatory treatment and, indeed, persecution on both sides. They need support. We have been discussing this with President Kabila and his Government, and my deputy, in fact, is there today. We hope to obtain the explicit agreement of the Government of the Democratic Republic of the Congo to provide support for the needy in rebel-controlled areas, using the territory of Tanzania, because it is much easier from a logistical point of view and much cheaper. I shall report back to the Council on the success of those talks.

I can only say, as far as the Great Lakes region is concerned, and the Democratic Republic of the Congo in particular, that what we need is not a humanitarian coordinated response — we have a plan of action for the Democratic Republic of the Congo which we will try to implement in coming weeks — what we need is progress in the Lusaka political process, to which the Secretary-General, and, indeed, Council members themselves pay priority attention, leading to a ceasefire and all that should follow in terms of bringing stability, tolerance and reconciliation to that area.

(spoke in French)

The Permanent Representative of France asked whether new rules of international law might be needed in order to fill the gaps that are of concern to us today. I would like to say, and I hope I am not misinterpreting my colleagues in the Red Cross Movement, and in the International Committee of the Red Cross in particular, by saying that the current instruments and the existing conventions, those of 1949 and 1951, the Organization of African Unity Convention on refugees, the Genocide Convention, and the Convention on the Rights of the Child obviously could and should be improved. But there is always a risk, and often when one tries to fill gaps in international law there is a risk of opening the door to a weakening or an erosion of existing law.

Thus, the current priority of the Red Cross Movement, and our own priority, is to strengthen respect and to find ways to ensure respect for existing norms.

This was emphasized by the representative of Gabon and other speakers. Perhaps the best opportunity to obtain this commitment to existing instruments will be the International Conference of the Red Cross and Red Crescent, which is to be held in Geneva next November. That could be the most important event of 1999, and we all want to contribute to it, starting with today's debate.

(spoke in English)

I would like to thank the representative of Canada in particular for his suggestion that a thorough study by the Security Council of its role in ensuring the protection of civilian populations, which is central to our concerns, be given priority attention by members of the Council. This is important, as I have just said, in creating momentum for the International Conference of the Red Cross and Red Crescent, which will be held next November in Geneva.

We welcome what the representative of the Netherlands stated, i.e., that there is a dominant role for humanitarian concerns in the Security Council's agenda. Nothing, I would suggest, is more logical. Peace and security are about ensuring order and ethics in international relations for the good of humanity and for the prevention of conflict. That is to say, to make humanitarianism, as such, unnecessary, redundant and, hopefully, anachronistic. You may count on us as your servants to make the seemingly impossible a reality.

I thank the representative of the United Kingdom for stating that verbal moral indignation is important but that it is definitely not enough; and Brazil for reminding us that the Security Council's collective moral responsibility is aimed at results. As the Ambassador of Slovenia stated — and I fully share this comment — please help us make sure that the evil does not prevail.

The President (*interpretation from Spanish*): I thank Under-Secretary-General Vieira de Mello for his comments and responses.

I think that all would agree with me that this has been a very interesting meeting. The presence of so many Member States, in addition to the members of the Council, is an illustration of this, as is the amount of time we have very productively dedicated to it.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1 p.m.